

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

JACKIE DEWAYNE OWENS,

Plaintiff,

v.

NURSE TRACEY CARTER, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:13-CV-299 (MTT)

**ORDER**

Magistrate Judge Stephen Hyles recommends granting Nurse Carter's motion to dismiss Plaintiff Owens's recast complaint (Doc. 111) because Owens prematurely filed this action during the pendency of his administrative grievance appeal and thus failed to properly exhaust his administrative remedies. Doc. 115 at 6-7. The Plaintiff has not filed an objection to the Recommendation, and the time for doing so has expired.

The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 115) is **ADOPTED** and made the order of this Court. Accordingly, Owens's claims against Carter are **DISMISSED without prejudice**.

**SO ORDERED**, this 22nd day of December, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT